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November 28, 2023

Via ECF and Fax

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *The Avon Company f/k/a New Avon LLC, et al. v. Fareva Morton Grove, Inc., et al.*,
No. 1:22-cv-4724-AKH

Dear Judge Hellerstein:

I write as Fareva's counsel regarding the Court's endorsement of Fareva's November 27, 2023 letter requesting adjournment (ECF No. 246).

First, we respectfully request the Court enter an order sealing ECF No. 246. Pursuant to Local Rule 5.2 and Your Honor's Individual Rule 1.B, Fareva did not file its November 27 letter via ECF because it contained confidential medical information of counsel. When the Court docketed its endorsement of Fareva's November 27 letter, the confidential medical information of counsel included in the letter was placed on the public docket. Fareva therefore requests the Court seal the docketed endorsed letter pursuant to the Court's standing order, 19-mc-00583, and Your Honor's Individual Rule 4(b). If needed, Fareva is prepared to file a version of its November 27 letter with the confidential medical information of counsel redacted.

Second, it is Fareva's understanding that the Court's endorsement of Fareva's November 27 letter indicated that the Court agrees with the modified schedule for deadlines set forth therein, and that the Court selected December 21 for oral argument from among the dates counsel stated they are available. Therefore, we understand that the following schedule pertains to the upcoming oral arguments and related deadlines:

- December 15, 2023: Deadline for each party to "submit to the Court a list of specific witnesses it seeks to depose, as well as what particular information each witness will provide that will aid the parties in their cases." ECF No. 245 at 1.
- December 21, 2023 at 2:15 pm: "[O]ral arguments on the issues covered in [the parties'] most recent briefs on discovery and damages." *Id.*

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- January 15, 2024: Deadline for Avon to “produce an accompanying witness who has a full understanding of the [NLSP schedules produced by Avon] and their format for [Fareva] to examine.” ECF No. 210.

Counsel for Fareva and counsel for Avon conferred prior to this submission and counsel for Avon advised that it has no objection to Fareva’s sealing request and that it too understands the Court’s endorsement of Fareva’s November 27 letter indicated that the Court agrees with the modified schedule for deadlines set forth therein.

Respectfully submitted,

/s/ Mark A. Kirsch
Mark A. Kirsch

cc: All counsel of record (via ECF)

The motion to seal ECF No. 246 is granted, and viewing shall be restricted to only the lead attorneys for Fareva—namely, Mark Kirsch, Paul Weeks, and Randy Mastro—and Chambers personnel. Oral arguments are adjourned until December 21, 2023 at 2:15 p.m. In light of that adjournment, the parties have until December 15, 2023 to submit a detailed list of all witnesses they intend to depose and what particular information each witness has, which shall include all witnesses with knowledge of the NLSP schedule. The proposal for a separate deadline of January 15, 2024 to produce witnesses with an understanding of the NLSP schedules is denied.

SO ORDERED.

Dated: November 28, 2023
New York, New York

/s/ Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge